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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,622	04/05/2006	Toru Ishii	M10711970	5700
32172 7590 03/13/2007 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714			EXAMINER COSIMANO, EDWARD R	
			ART UNIT	PAPER NUMBER
			2863	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/574,622

Applicant(s)

ISHII ET AL

Examiner

Edward R. Cosimano

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20060405
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 2863

1. The Oath/Declaration as originally filed and the Abstract as amended on 05 April 2006 are acceptable to the examiner.
2. Applicant's claim for the benefit of an earlier filing date pursuant to 35 U.S.C. 120 is acknowledged.
3. The examiner has considered the prior art cited in the base applications.
4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
5. The set of drawings containing figures 2, 4 & 6 as presented in the set of drawings filed on 05 April 2006 are acceptable to the examiner.
6. The drawings filed on 05 April 2006 are objected to because:

A) the drawings fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference legend mentioned in the description, note reference legend 2 which has been mentioned in the written description of figure 1 located at line 23 of page 8, "2 network device", and see also in regard to the corresponding objection(s) to the disclosure.

B) the drawings fail to comply with 37 CFR 1.84(p)(5) because they use the following reference legends multiple times as mentioned in the description, note reference legends S1, S2, S3, S4, S5, S6, S7, S8 & S9 of figures 3, 5 & 7 which have been mentioned in the written description of:

(1) figure 3 located in the paragraphs between page 12, line 6, and page 13, line 6, "Fig. 3 is a flowchart ... S2).";

(2) figure 5 located in the paragraphs between page 17, line 5, and page 18, line 6, "Fig. 5 is a flowchart ... S2)."; and

(3) figure 7 located in the paragraphs between page 20, line 18, and page 22, line 1, "Fig. 7 is a flowchart ... S2).";

while designated different features of the invention, and see also in regard to the corresponding objection(s) to the disclosure.

- 6.1 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The disclosure is objected to because of the following informalities:

A) errors and/or inconsistencies between the drawings filed on 05 April 2006 and the written description have been noted:

(1) if applicant chooses not to add reference legend 2 to figure 1, note above, then the specification fails to comply with 37 CFR 1.84(p)(5) because the specification includes an explicit reference to this reference legend in the description of figure 1 located at page 8, line 23, "2 network device", and this reference should be amended as suggested below.

(2) as can be seen in figures 3, 5 & 7, reference legends S1, S2, S3, S4, S5, S6, S7, S8 & S9 have been used multiple times in these figures to reference features of the invention as set forth in the descriptions of:

(1) figure 3 located in the paragraphs between page 12, line 6, and page 13, line 6, "Fig. 3 is a flowchart ... S2).";

(2) figure 5 located in the paragraphs between page 17, line 5, and page 18, line 6, "Fig. 5 is a flowchart ... S2)."; and

(3) figure 7 located in the paragraphs between page 20, line 18, and page 22, line 1, "Fig. 7 is a flowchart ... S2).".

B) as can be seen in figure 3 and from the context of the written description of figure 3 located in the paragraphs between page 12, line 6, and page 13, line 6, "Fig. 3 is a flowchart ... S2).", the written description lacks an explicit reference to how the flow

chart of figure 3 would proceed if the inquiry of step S2 is "NO" as figure 3 is described, note the proposed change below.

C) as can be seen in figure 5 and from the context of the written description of figure 5 located in the paragraphs between page 17, line 5, and page 18, line 6, "Fig. 5 is a flowchart ... S2).", the written description lacks an explicit reference to how the flow chart of figure 5 would proceed if the inquiry of step S2 is "NO" as figure 5 is described, note the proposed change below.

D) as can be seen in figure 7 and from the context of the written description of figure 7 located in the paragraphs between page 20, line 18, and page 22, line 1, "Fig. 7 is a flowchart ... S2).", the written description lacks an explicit reference to how the flow chart of figure 7 would proceed if the inquiry of step S2 is "NO" as figure 7 is described, note the proposed change below.

E) the disclosure lacks a statement of --We claim:--, as required by Office policy as set forth in MPEP 608.01(m).

F) in view of the above objections it is suggested that the following paragraphs be amended as indicated:

(1) at page 8, line 23:

2x network device, where x indicates a device number from "a" to "m"

(2) at page 12, lines 6-19:

Fig. 3 is a flowchart showing a process of the arithmetic processor 22 in the network device 2b. First, the arithmetic processor 22 substitutes an initial value of zero for a counted value "n" indicating how many times the measurement and the data output have been performed and starts the built-in timer (S1). Then, the arithmetic processor 22 ~~determines~~ waits until it is determined whether the "A output" is started to be output on the bus 1 (S2). If the controller 23 detects that the "A output" is started to be output on the bus 1, the arithmetic processor 22 holds the value of the built-in timer as "tn+l" (S3). The arithmetic processor 22 calculates a difference between the value "tn+l" and the detected timing "tn", which is the timing when the "A output" is started, as a measurement cycle "T" (S4).

(3) at page 17, lines 8-16:

First, the arithmetic processor 22 substitutes an initial value of zero for a counted value "n" indicating how many times the measurement and the data output have been performed and starts the built-in timer (S1). Then, the arithmetic processor 22 ~~determines~~ waits until it is determined whether the "A output" is started to be output on the bus 1 (S2). If the controller 23 detects that the "A output" is started to be output on the bus 1, the arithmetic processor 22 holds the value of the built-in timer as "tn+l" (S3).

(4) between page 20, line 18, and page 21, line 4:

First, the arithmetic processor 22 substitutes an initial value of zero for a counted value "n" indicating how many times the measurement and the data output have been performed and starts the built-in timer (S1). Then, the arithmetic processor 22 ~~determines~~ waits until it is determined whether the "A output" is started to be output on the bus 1 (S2). If the controller 23 detects that the "A output" is started to be output on the bus 1, the arithmetic processor 22 holds the value of the built-in timer as "tn+l" (S3).

7.1 Appropriate correction is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.1 Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8.1.1 It is noted that claims 1-5 recites a structure that includes a plurality of network devices being connected to a single shared communications bus/link, where the operation a second network device monitors the timing between consecutive bus accesses by a first network device. Based on the results of the monitoring of the timing or interval between the bus accesses by the first device, the second device will adjust or modify the interval between which it will make measurements based on the measured access interval in claim 1 and in claim 2 an indication of the an interval from the first device contained with in the data/information communicated over the bus. In this manner the network of device are intended to prevent bus access conflict/collisions between the plurality of network devices. Although this scheme would work when there are only two network devices connected to the communications bus/link, these claim

Art Unit: 2863

positively recite that there are two or more network devices connected to the communication bus. However as one of ordinary skill at the time the invention was made would recognize none of these claims positively recites how a third or subsequent network device that is connected to the communications buss would either:

A) prevent a bus access conflict/collisions between the plurality of network devices connected to the communications bus; or

B) would known which of the plurality of other network devices that are connected to the communications bus is to be monitored as recited in claim 1 or from which or the other device is the communicated interval data/information to be used when modifying the operation of the network device.

8.1.2 Applicant should also note this problem regarding the measurement interval of claim 3.

8.2 Claims not explicitly mentioned above include the above noted defect(s) because the unmentioned claims are depend either directly or indirectly from one or more of the above noted claim(s).

9. The examiner has cited prior art of interest, for example:

A) Shoup et al(4,831,558) discloses a network of measuring devices that share the use of a single communication link.

B) Mishory (GB 2236606 A) or Iwase (10-84365 A) discloses a method of preventing communication conflicts when a number of networked devices share a common communication link.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward R. Cosimano whose telephone number is 571-272-0571. The examiner can normally be reached on 571-272-0571 from 7:30am to 4:00pm (Eastern time).


10.1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

10.2 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERC

03/05/2007


Edward Cosimano
Primary Examiner